

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6080

BILL NUMBER: SB 131

DATE PREPARED: Oct 27, 2001

BILL AMENDED:

SUBJECT: Bail Requirements.

FISCAL ANALYST: Mark Goodpaster

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill allows a court that admits a defendant to bail to require the defendant to post a combination of property and surety bonds as a condition of bail. It provides that if a court requires a defendant to deposit cash in an amount equal to the defendant's bail, the court must require the defendant and each person who makes the deposit on behalf of the defendant to execute an agreement that allows the court to retain all or a part of the cash to pay: (1) publicly paid costs of representation; and (2) fines, costs, fees, and restitution that the court may order the defendant to pay if the defendant is convicted.

Effective Date: July 1, 2002.

Explanation of State Revenues: This bill could increase state revenue by allowing for the collection of court costs through any funds remaining from a defendant's full cash bond. Of the amount collected through court fees in the circuit, superior, county, municipal, and probate courts, the clerk distributes 70% for deposit in the state General Fund.

Of the court costs collected through the city or town courts, 55% is distributed to the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: This bill could increase local revenue by allowing for the collection of court fees through any funds remaining from a defendant's cash deposit equal to the amount of bail. Of the amount collected through court costs in the circuit, superior, county, municipal, and probate courts, the clerk distributes 27% for deposit in the county general fund and 3% to the local municipal fund (only if a city or town maintains a law enforcement agency that prosecutes at least 50% of its ordinance violations in a circuit, superior, county, or municipal court in the county).

Of the court costs collected through the city or town courts 20% is distributed to the county general fund and

25% to the city or town general fund.

Courts may also be able to recover additional costs incurred for the legal representation of indigent criminal defendants. In 1999, courts appointed pauper counsel in 91,615 cases. The costs for these cases were \$25,304,773. The average cost per case was \$276.

State Agencies Affected:

Local Agencies Affected: Courts; Clerks.

Information Sources: IC 33-19-7; 2000 Indiana Judicial Report, Vol. I.